Senate File 178 - Introduced

SENATE FILE 178

BY T. TAYLOR, TRONE GARRIOTT,

DOTZLER, PETERSEN, BENNETT,

and CELSI

A BILL FOR

- 1 An Act relating to the possession of marijuana and providing
- 2 penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. Section 124.401, subsection 5, paragraphs a and 2 b, Code 2023, are amended to read as follows:
- 3 a. It is unlawful for any person knowingly or intentionally
- 4 to possess a controlled substance unless such substance was
- 5 obtained directly from, or pursuant to, a valid prescription
- 6 or order of a practitioner while acting in the course of the
- 7 practitioner's professional practice, or except as otherwise
- 8 authorized by this chapter. Any Except as otherwise provided
- 9 in this subsection, any person who violates this subsection
- 10 is guilty of a serious misdemeanor for a first offense. A
- ll person who commits a violation of this subsection and who has
- 12 previously been convicted of violating this chapter or chapter
- 13 124B or 453B, or chapter 124A as it existed prior to July 1,
- 14 2017, is guilty of an aggravated misdemeanor. A person who
- 15 commits a violation of this subsection and has previously
- 16 been convicted two or more times of violating this chapter or
- 17 chapter 124B or 453B, or chapter 124A as it existed prior to
- 18 July 1, 2017, is guilty of a class "D" felony.
- 19 b. (1) $\frac{1}{1}$ Except as provided in subparagraph (4), if the
- 20 controlled substance is marijuana, the punishment shall be by
- 21 imprisonment in the county jail for not more than six months or
- 22 by a fine of not more than one thousand dollars, or by both such
- 23 fine and imprisonment for a first offense.
- 24 (2) If the controlled substance is marijuana and the person
- 25 has been previously convicted of a violation of this subsection
- 26 in which the controlled substance was marijuana, the punishment
- 27 shall be as provided in section 903.1, subsection 1, paragraph
- 28 "b". This subparagraph does not apply if the controlled
- 29 substance is five grams or less of marijuana.
- 30 (3) If the controlled substance is marijuana and the person
- 31 has been previously convicted two or more times of a violation
- 32 of this subsection in which the controlled substance was
- 33 marijuana, the person is guilty of an aggravated misdemeanor.
- 34 This subparagraph does not apply if the controlled substance is
- 35 five grams or less of marijuana.

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      (4) If the controlled substance is five grams or less of
 2 marijuana the person is quilty of a simple misdemeanor.
                              EXPLANATION
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           The inclusion of this explanation does not constitute agreement with
            the explanation's substance by the members of the general assembly.
 6
      This bill relates to the possession of marijuana.
      The bill provides that a person who possesses five grams
 8 or less of marijuana commits a simple misdemeanor. A simple
 9 misdemeanor is punishable by confinement for no more than 30
10 days and a fine of at least $105 but not more than $855.
      Current law provides that a person who commits a first
11
12 offense possession of marijuana is subject to no more than
13 six months imprisonment in a county jail, a fine of no more
14 than $1,000, or both. Under current law, a second offense is
15 a serious misdemeanor, with a fine of at least $430 but not
16 to exceed $2,560 and can include imprisonment not to exceed
17 one year. A third or subsequent offense is an aggravated
18 misdemeanor with a fine of at least $855 but not to exceed
19 $8,540, and can include imprisonment not to exceed two years.
      The bill provides that if the controlled substance is five
21 grams or less of marijuana, the enhanced penalties for a second
22 or subsequent offense do not apply and the person is guilty of
23 a simple misdemeanor.
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